



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2303665
Applicant Name: Tony Scott for Lowman Building Partners, LLC
Address of Proposal: 107 Cherry Street

SUMMARY OF PROPOSED ACTION

Change of use of 47,956 sq. ft. portion of an existing retail/administrative office building from administrative offices to 89 apartments (affordable housing). 8,129 sq. ft. of retail use on ground level to remain.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The site is located on the southeast corner of 1st Avenue and Cherry Street. The site is in the Pioneer Square Mixed zone with a 100 foot height limit (PSM-100) PS DF and is in the Pioneer Square Preservation District. A 16 foot wide alley runs behind the building.

Proposal Description

The proposal is to construct alterations to change the use of floors 2 through 10 from administrative offices to 89 new apartment units. The existing light well will be partially filled in. The existing retail uses on the ground floors along Cherry Street and 1st Avenue will remain.

Public Comment

No comments were received during the official public comment period which ended April 7, 2004.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 17, 2004 and annotated by the Land Use Planner and the Pioneer Square Preservation Board Coordinator at the Department of Neighborhoods. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

Construction Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles

and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the close proximity of neighboring businesses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

Construction is expected to temporarily add particulate to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Noise

Surrounding residential uses are likely to be slightly impacted by noise throughout the duration of construction. Due to the proximity of residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), additional mitigation is warranted.

To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 5:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by the DPD planner prior to each occurrence.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner (Darlene Edwards 206-684-5606) prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD.

Long - Term Impacts

Long-term or use-related impacts are not anticipated as a result of approval of this proposal including: increased bulk and scale on the site; noise, traffic or parking in the area; demand for public services and utilities; and light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, additional land use impact which may have long term affects are discussed below.

Parking

The Downtown Code 23.49.016 2A allows an exception to parking requirements in that no parking shall be required for new uses to be located in existing structures, or when existing structures are remodeled. Furthermore, 25.05.675M2B states that no SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones.

Historic Preservation

Historic buildings, special historic districts, and sites of archeological significance are found within Seattle. The preservation of these buildings, districts and sites is important to the retention of a living sense and appreciation of the past. Special districts have been established to protect certain areas which are unique in their historical and cultural significance, including Pioneer Square. These areas are subject to development controls and project review by special district review boards. The Lowman Building is a contributing building in the National Register's Pioneer Square Historic District. A Certificate of Approval from the Pioneer Square Preservation Board and the Department of Neighborhood's Director is required for all alterations and changes of use.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding the project.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

During Construction

The owner(s) and/or responsible party(s) shall:

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 5:00 P.M. Construction work proposed outside these established hours must be approved by the DPD planner (Darlene Edwards (206) 684-5606) prior to each occurrence. Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance.

Signature: _____ (signature on file) Date: April 22, 2004
Darlene Edwards, Land Use Planner
Department of Planning and Development

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